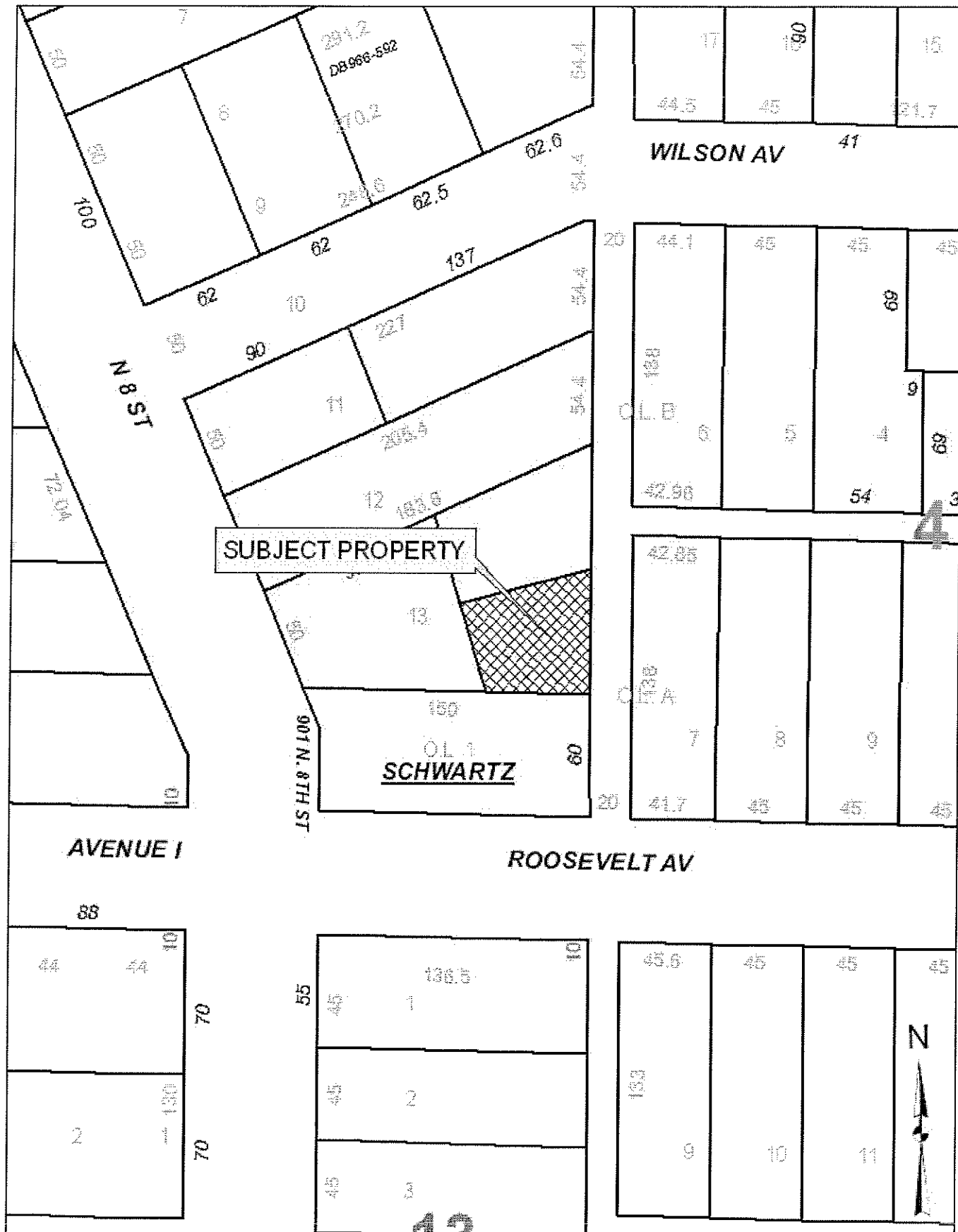


## Council Communication

<b>Department:</b> Community Development  <b>Offer To Buy City Property</b>  <b>Applicant:</b> Aaron Schwartz	<b>Resolution of Intent No.</b> <u>10-55</u>  <b>Resolution to Dispose No.</b> _____	<b>Set Public Hearing:</b> 02/22/10  <b>Public Hearing:</b> 03/08/10
<b>Subject/Title</b>		
Request of Aaron Schwartz, 901 North 8 <sup>th</sup> Street, Council Bluffs, IA 51501 to purchase the Southeast part of Lot 13, Ross Place, formerly known as 907 ½ North 8 <sup>th</sup> Street.		
<b>Background/Discussion</b>		
<p>Aaron Schwartz is offering to purchase a parcel of City owned property formerly known as 907 ½ North 8<sup>th</sup> Street. This property is zoned R-2/Two Family Residential, contains approximately 3,025 square feet (approximately 55' x 55') and is now vacant. Mr. Schwartz would like to combine this parcel with his property abutting on the south at 901 North 8<sup>th</sup> Street for the purpose of building a garage. The City acquired the parcel in July, 2009 via an Affidavit of Change of Title.</p> <p>The applicant has offered the price of \$514.25 which amounts to \$0.17 per square foot.. Because the lot is only 55 feet deep and abuts only an alley and not a street, a residential structure could not be built on the property. However, the construction of an accessory structure for an abutting owner would be allowed. As such, staff believes the purchase price should be set at \$.50 per square foot, or \$1,512.50.</p>		
<b>Recommendation</b>		
The Community Development Department recommends disposal of the Southeast part of Lot 13, Ross Place, formerly known as 907 ½ North 8 <sup>th</sup> Street, to Aaron Schwartz for the sum of \$1,512.50.		
<b>Attachment:</b> Location map. <b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department		

## OFFER TO BUY - SCHWARTZ



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 10-55

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY FORMERLY KNOWN AS 907 ½ NORTH 8<sup>TH</sup> STREET, DESCRIBED AS THE SOUTHEAST PART OF LOT 13, ROSS PLACE.

WHEREAS, the City has received, from Aaron Schwartz, an offer to buy City property formerly known as 907 ½ North 8<sup>th</sup> Street, described as the Southeast part of Lot 13, Ross Place, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property formerly known as 907 ½ North 8<sup>th</sup> Street, described as the Southeast part of Lot 13, Ross Place, more fully described as: Commencing at a point on the South line of said Lot 13, 96 feet from the SW corner of said Lot 13, thence Northerly 50 feet on a line which extends from the place of beginning to a point on the Northerly line of said Lot 13 which is 96 feet from the NW corner of said Lot 13, thence Easterly to a point on the East line of said Lot 13 which is 57 feet 3 inches North of the SE corner of said Lot 13, thence South along the East line of said Lot 13, 57 feet 3 inches to the SE corner of said Lot 13, thence West along the South line of said Lot 13 to place of beginning; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for March 8, 2010.

ADOPTED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

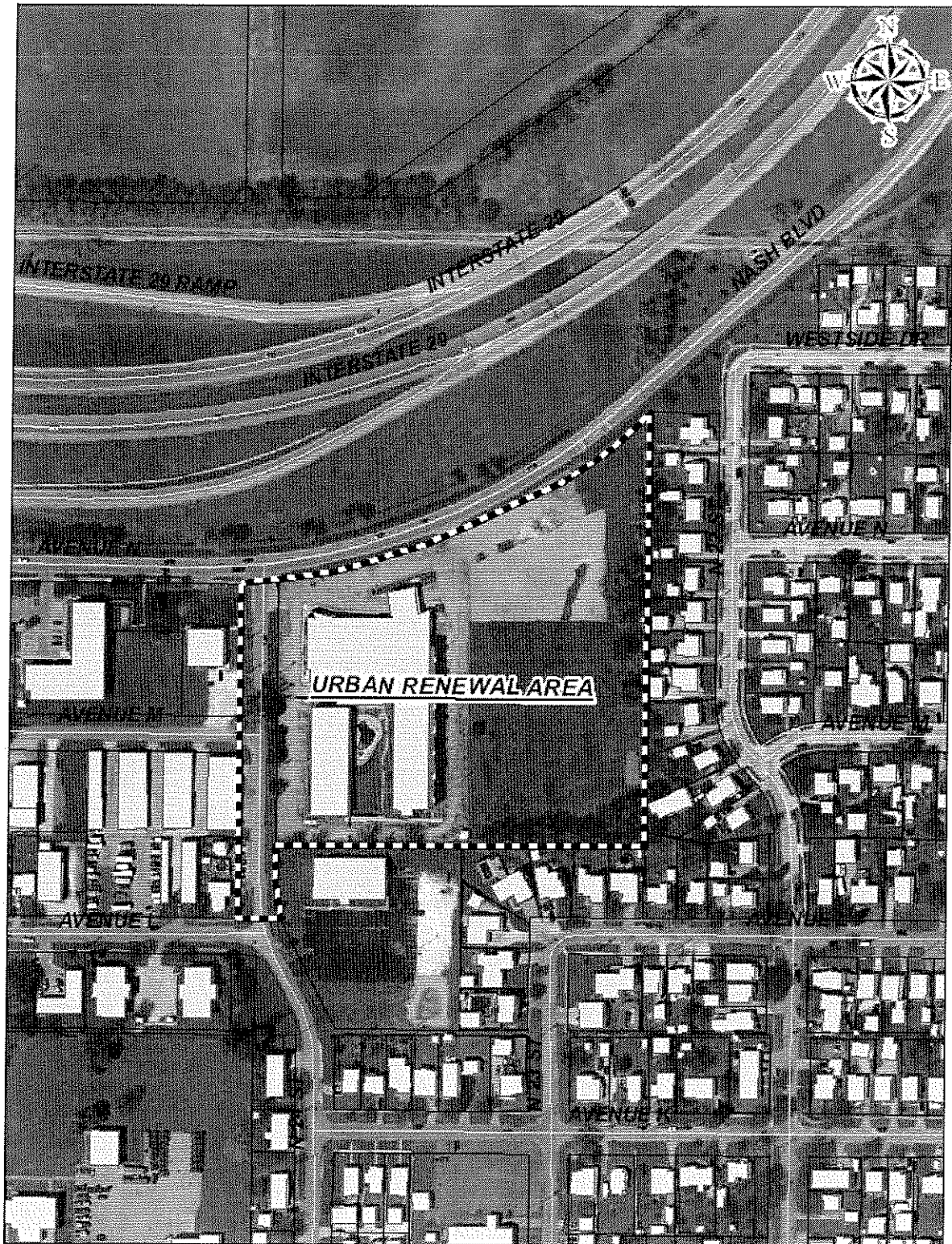
\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk

**Council Communication**  
**February 22, 2010 City Council Meeting**

Department: Community Development  Case/Project No.: URN-10-001	Ordinance No.: N/A  Resolution No.: <u>10-56</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
<b>Subject/Title</b>		
Proposed Nash Boulevard Urban Renewal Plan		
<b>Location</b>		
South of Avenue N (Nash Boulevard), west of North 22 <sup>nd</sup> Street and east of North 24 <sup>th</sup> Street		
<b>Background/Discussion</b>		
<p><u>Background</u></p> <p>In the past, the City of Council Bluffs has pursued urban renewal activities in several areas of the City. The purpose of these activities was to remove blighting conditions, protect or improve the economic viability of property, and to increase the taxable value of properties within these areas. These areas have been selected due to their economic importance to the City and/or the presence of the blighting conditions which threaten either their current stability or deter future development.</p> <p>It has been determined that the need exists for urban renewal actions in an area located in northwestern Council Bluffs, south of Avenue N (Nash Boulevard), west of North 22<sup>nd</sup> Street and east of North 24<sup>th</sup> Street. This area is currently the site of a vacant and blighted former hotel and adjacent vacant land.</p> <p>Assistance in the form of an urban renewal project area, conforming to the Section 403 of Iowa Code, is necessary to acquire land; improve regulatory control; improve public infrastructure and facilities; and to allow for private development of vacant land.</p> <p><u>Discussion</u></p> <p>If the City Council concurs to utilize urban renewal powers for the area described above, a resolution will be necessary to cause several actions. These actions include the preparation of an urban renewal plan, establishing a date for consultation with other taxing jurisdictions, City Planning Commission hearing and review, setting a date for City Council hearing and other appropriate legal notices. A resolution, which calls for these activities, has been prepared and is attached for your review and consideration.</p> <p>This resolution establishes the following timeframe:</p> <ul style="list-style-type: none"><li>3-4-10 Consultation meeting to be held with other taxing jurisdictions</li><li>3-9-10 City Planning Commission hearing and review</li><li>3-29-10 City Council public hearing on the proposed urban renewal plan</li></ul> <p>The hotel site and vacant adjacent ground are proposed to be redeveloped into a 36 lot affordable single-family/multi-family residential subdivision. Numerous public improvements will have to be installed to facilitate the development of this subdivision.</p> <p>The proposed urban renewal area is legally described as part of the NW1/4 NW1/4 of Section 26-75-44 described as follows: Commencing 304.38' North and 33' East of the SW Corner of the NW1/4 NW1/4, thence North 440.72', Northeasterly 690.69', South 716.57' and West 619.98' to the Point of Beginning, along with that part of North 24<sup>th</sup> Street right-of-way lying north of the North line of Avenue L and south of the South line of Avenue N/Nash Boulevard, City of Council Bluffs, Pottawattamie County, Iowa.</p>		
<b>Staff Recommendation</b>		
Staff recommends City Council adopt the resolution of necessity setting the dates of a consultation and a public hearing on the Nash Boulevard Urban Renewal Plan for the City of Council Bluffs.		
<b>Attachments</b>		
Resolution of Necessity and map		

Council Communication  
February 22, 2010 City Council Meeting



(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Council Bluffs, State of Iowa.  
Date of Meeting: February 22, 2010.  
Time of Meeting: 7 o'clock P.M.  
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,  
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Resolution determining the necessity and setting dates of a consultation and a public hearing on a proposed Nash Boulevard Urban Renewal Plan for a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa.

Such additional matters as are set forth on the additional \_\_\_\_\_ page(s) attached hereto.  
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

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Marcia L. Worden, City Clerk  
City of Council Bluffs, State of Iowa

February 22, 2010

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ then introduced the following proposed Resolution entitled "RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED NASH BOULEVARD URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA", and moved that the same be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED NASH BOULEVARD URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

WHEREAS, it is hereby found and determined that one or more blighted areas, as defined in Chapter 403, Code of Iowa, exist within the City and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the City; and

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and has caused there to be prepared a proposed Nash Boulevard Urban Renewal Plan for the area described therein, which proposed Plan is attached hereto as Exhibit A; and



WHEREAS, this proposed Urban Renewal Area includes and consists of:

Part of the NW1/4 NW1/4 of Section 26-75-44 described as follows: Commencing 304.38' North and 33' East of the SW Corner of the NW1/4 NW1/4, thence North 440.72', Northeasterly 690.69', South 716.57' and West 619.98' to the Point of Beginning, along with that part of North 24th Street right-of-way lying north of the North line of Avenue L and south of the South line of Avenue N/Nash Boulevard.

WHEREAS, the proposed urban renewal area may include land classified as agricultural land and, if so, written permission of the current owners will be obtained; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Plan;

WHEREAS, the Iowa statutes require the City Council to submit the proposed Nash Boulevard Urban Renewal Plan to the Planning Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole prior to Council approval of such Plan, and further provides that the Planning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed Nash Boulevard Urban Renewal Plan; and

WHEREAS, the Iowa statutes further require the City Council to notify all affected taxing entities of the consideration being given to the proposed Nash Boulevard Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Nash Boulevard Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Plan and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the consultation on the proposed Nash Boulevard Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 4th day of March, 2010, in the Community Development Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa, at 10 o'clock A.M., and the Designated Representative is hereby appointed to serve the City for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1A), along with a copy of the proposed Nash Boulevard Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD  
BETWEEN THE CITY OF COUNCIL BLUFFS, STATE  
OF IOWA AND ALL AFFECTED TAXING ENTITIES  
CONCERNING THE PROPOSED NASH BOULEVARD  
URBAN RENEWAL PLAN FOR THE CITY OF COUNCIL  
BLUFFS, STATE OF IOWA

The City of Council Bluffs, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1A) of the Code of Iowa, as amended, commencing at 10 o'clock A.M. on March 4, 2010, in the Community Development Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa concerning a proposed Nash Boulevard Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Designated Representative of the City of Council Bluffs, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Nash Boulevard Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this 24th day of February, 2010.

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Marcia L. Worden, City Clerk  
City of Council Bluffs, State of Iowa

(End of Notice)

Section 3. That a public hearing shall be held on the proposed Nash Boulevard Urban Renewal Plan before the City Council at its meeting which commences at 7 o'clock P.M. on March 29, 2010, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the "Daily Nonpareil", once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER  
APPROVAL OF A PROPOSED NASH BOULEVARD  
URBAN RENEWAL PLAN FOR A PROPOSED URBAN  
RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS,  
STATE OF IOWA

The City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing before itself at its meeting which commences at 7 o'clock P.M. on March 29, 2010 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed Nash Boulevard Urban Renewal Plan (the "Plan") concerning a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa, legally described as follows:

Part of the NW1/4 NW1/4 of Section 26-75-44 described as follows: Commencing 304.38' North and 33' East of the SW Corner of the NW1/4 NW1/4, thence North 440.72', Northeasterly 690.69', South 716.57' and West 619.98' to the Point of Beginning, along with that part of North 24th Street right-of-way lying north of the North line of Avenue L and south of the South line of Avenue N/Nash Boulevard.

which land is to be included as part of this proposed Urban Renewal Area.

A copy of the Plan is on file for public inspection in the office of the City Clerk, City Hall, City of Council Bluffs, Iowa.

The City of Council Bluffs, State of Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to rehabilitate, conserve and redevelop land, buildings and other improvements within such area through the elimination and containment of conditions of blight so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified in the Plan. To accomplish the objectives of the Plan, and to encourage the further development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public

improvements, including utilities, streets, sidewalks, transit stops, park and recreational facilities, parking and landscaping. The City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the City may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the City. The Plan initially proposes specific public infrastructure or site improvements to be undertaken by the City, but provides that the Plan may be amended from time to time to respond to development opportunities.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 403.5 of the City Code of Iowa.

Dated this 15th day of March, 2010.

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Marcia L. Worden, City Clerk  
City of Council Bluffs, State of Iowa

(End of Notice)

Section 5. That the proposed Nash Boulevard Urban Renewal Plan, attached hereto as Exhibit A, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Nash Boulevard Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Plan shall be placed on file in the office of the City Clerk.

Section 6. That the proposed Nash Boulevard Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within thirty (30) days of the date hereof.

PASSED AND APPROVED this 22<sup>nd</sup> day of February, 2010.

---

Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk

# CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Marcia L. Worden, City Clerk  
City of Council Bluffs, State of Iowa

(SEAL)



STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

## NOTICE OF PUBLIC HEARING

March 15, 2010.

Marcia L. Worden, City Clerk  
City of Council Bluffs, State of Iowa

DLILLEBO/ 646178.1 /MSWord10342.099

## Council Communication

Department: <u>Public Works</u> Case/Project No. Applicant:	Ordinance No. _____ Resolution No. <u>10-57</u>	First Reading: <u>February 22, 2010</u>
<b>Subject/Title</b>		
Council consideration of a resolution setting a public hearing for 7:00 p.m. on March 29, 2010 for the Application for FY 2011 State Transit Assistance.		
<b>Background/Discussion</b>		
<ul style="list-style-type: none"><li>▪ Every year the City of Council Bluffs is required to submit an application for State Transit Assistance for transit operations and Section 5310 funds for contracted paratransit service with the Iowa Department of Transportation's Joint Participation Agreement to provide Transit Assistance to Iowa's public transit system.</li><li>▪ Before submission of our application for Transit Assistance with the Iowa Department of Transportation, the City is required to hold a public hearing on the application. It is recommended that a public hearing on the application be set for March 29, 2010.</li><li>▪ We are required to submit to the IDOT office of Public Transit a notice of public hearing, the IDOT Authorizing Resolution and copy of city council minutes of the meeting where the public hearing is held.</li><li>▪ The State Transit Assistance formula is based on ridership, revenue miles, operating expense and local match. Currently our STA payments are on track to be at \$157,000 for FY10 which equals 13% of the total transit operating budget. The Section 5310 funds are from federal funds for transit serving primarily elderly persons and persons with disabilities.</li><li>▪ The projection for FY11 is \$164,000 in STA payments and \$18,000 in Section 5310 funds.</li><li>▪ The projected FY11 budget for transit is \$1,148,500 in expenditures and projected revenues of \$687,881 in transit tax levy, \$164,000 in State Transit Assistance, \$259,000 in Federal Transit Assistance, \$53,250 from the Job Access Reverse Commute(JARC) program (routing to Lakin campus), \$18,000 in 5310 funds and \$14,000 in STS ticket fares.</li></ul>		
<b>Recommendation</b>		
Council consideration of a resolution setting a public hearing for 7:00 p.m. on March 29, 2010 for the Application for FY 2011 State Transit Assistance and Section 5310 funds.		

\_\_\_\_\_  
Greg Reeder, Public Works Director



## Iowa Department of Transportation Authorizing Resolution

We, hereby, authorize, Thomas P. Hanafan, Mayor

(Name of Authorized Signatory)

on behalf of City of Council Bluffs

(Legal Name of Applicant)

to apply for financial assistance as noted below and to enter into related contract(s) with the Iowa Department of Transportation.

From the State Transit Assistance Program:

1.462622 % of formula funds;

\$ amount of Special Project Funds requested

From federal funds for transit in non-urbanized areas and/or for transit serving primarily elderly persons and person with disabilities:

\$ 18,002 ;

From state-wide federal capital assistance for transit:

\$ .

From federal funds from the Job Access/Reverse Commute program:

\$ .

From federal funds from the New Freedom program:

\$ .

We understand acceptance of federal transit assistance involves an agreement to comply with certain labor protection provisions.

We certify that City of Council Bluffs has sufficient non-federal

(Legal Name of Applicant)

funds to provide required local match for capital projects and at time of delivery will have the funds to operate and maintain vehicles and equipment purchased under this project.

We request that State Transit Assistance formula funding be advanced as allowed by law, to improve transit system cash flow.

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: City of Council Bluffs City Council  
(Applicant's Governing Body)

Name: \_\_\_\_\_

Title: Mayor

Address: 209 Pearl Street, Council Bluffs, IA 51503

Telephone: 712-328-4601

**City of Council Bluffs**  
**Comparative Budget**  
**Fiscal Years 2011 and 2010**

	<u>12 Month Actual - History</u>			<u>YTD Actual</u>	<u>Annual Budget for</u>		<u>Forecasted %</u>
	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>12/31/2009</u>	<u>2009-10</u>	<u>2010-11</u>	<u>Change</u>
	-	-	1,000.00	-	5,000.00	-	0.0%
	-	34,740.00	30,010.31	7,878.03	34,000.00	28,000.00	-17.6%
	29,695.00	-	-	-	30,000.00	30,000.00	0.0%
	21,342.00	30,512.00	29,365.55	3,982.86	30,000.00	30,000.00	0.0%
	128,008.00	137,774.00	163,328.11	80,163.56	145,000.00	150,000.00	3.4%
	478.00	189.00	588.16	-	800.00	400.00	-50.0%
	616,955.00	706,823.00	1,037,974.00	459,793.00	800,000.00	930,000.00	3.3%
	24.00	20.00	287.64	-	100.00	100.00	0.0%
	-	11,987.00	-	-	15,000.00	10,000.00	-33.3%
	794,499.00	821,085.00	1,259,683.66	661,816.16	1,129,900.00	1,148,500.00	1.6%
	794,499.00	821,085.00	1,259,683.66	661,816.16	1,129,900.00	1,148,500.00	1.6%

Building Repair  
 Vehicle Fuel  
 Vehicle Maintenance  
 Vehicle Equipment Repair  
 Paid to Other Agencies  
 Printing and Stationery  
 Miscellaneous  
 Refunds  
 Office Supplies  
 Capital  
 Total Other Expenses  
 Total Expenses

### STA Fund Allocation for FY2011

System Name	FY2009 Ridership	FY2009 Revenue Miles	FY2009 Operating Expense	FY2009 Locally Determined Income	FY2011 Formula %	FY2011 Formula Allocation
Region 1	202,688	1,170,276	\$2,254,946	\$1,431,221	3.236691%	\$362,568
Region 2	436,399	1,209,534	\$2,187,138	\$1,070,758	3.440396%	\$385,386
Region 3	398,017	1,037,575	\$2,419,380	\$1,386,763	3.464805%	\$388,121
Region 4	147,002	575,274	\$1,392,649	\$854,514	2.392758%	\$268,032
Region 5	253,811	450,226	\$1,210,366	\$615,293	2.608219%	\$292,167
Region 6	51,228	373,830	\$662,210	\$278,552	1.701908%	\$190,644
Region 7	138,455	582,422	\$1,704,215	\$1,138,903	2.519578%	\$282,238
Region 8	148,697	513,687	\$1,416,808	\$685,011	2.084334%	\$233,483
Region 9	204,905	890,072	\$2,202,035	\$1,249,163	2.832289%	\$317,267
Region 10	235,712	1,004,439	\$2,632,801	\$1,792,803	3.500038%	\$392,067
Region 11	325,475	1,449,636	\$3,726,184	\$2,472,511	4.404091%	\$493,337
Region 12	224,653	1,020,591	\$1,878,280	\$992,441	2.861707%	\$320,563
Region 13	294,014	1,119,822	\$1,981,963	\$1,163,761	3.288886%	\$368,414
Region 14	147,788	518,848	\$1,067,911	\$565,503	2.311028%	\$258,877
Region 15	273,837	858,199	\$1,652,783	\$831,243	2.874031%	\$321,943
Region 16	148,157	561,130	\$1,166,373	\$754,477	2.489776%	\$278,900
<b>Subtotal</b>	<b>3,630,838</b>	<b>13,335,561</b>	<b>\$29,556,042</b>	<b>\$17,282,917</b>	<b>46.010535%</b>	<b>\$5,154,007</b>
Burlington	150,020	192,771	\$709,416	\$370,191	1.435121%	\$160,759
Clinton	373,231	330,690	\$1,158,410	\$514,993	1.797652%	\$201,369
Fort Dodge	177,265	261,357	\$917,063	\$430,177	1.467018%	\$164,332
Marshalltown	114,023	115,456	\$471,145	\$235,668	1.349936%	\$151,217
Mason City	200,349	308,710	\$690,609	\$175,758	1.987513%	\$222,637
Muscatine	188,303	264,515	\$814,891	\$375,158	1.629117%	\$182,490
Ottumwa	334,324	391,629	\$1,137,482	\$515,310	1.901377%	\$212,988
Ames	5,002,146	1,153,090	\$6,497,049	\$4,532,491	4.764685%	\$533,730
Bettendorf	180,996	366,031	\$1,232,075	\$831,594	1.629157%	\$182,495
Cambus	4,000,282	793,435	\$2,751,577	\$1,888,424	5.055938%	\$566,356
Cedar Rapids	1,254,515	1,313,103	\$8,479,860	\$5,378,381	3.829075%	\$428,925
Coralville	552,776	270,919	\$1,549,737	\$1,018,071	1.849499%	\$207,177
Council Bluffs	173,259	292,769	\$1,165,909	\$759,537	1.462622%	\$163,840
Davenport	1,153,142	858,819	\$4,698,734	\$3,679,542	3.149545%	\$352,806
Des Moines	5,046,019	5,473,235	\$22,504,793	\$16,526,636	10.610899%	\$1,188,612
Dubuque	335,176	528,793	\$2,286,812	\$1,197,316	1.652443%	\$185,103
Iowa City	2,062,853	984,331	\$5,754,204	\$4,129,149	3.619852%	\$405,489
Sioux City	1,188,877	718,319	\$4,448,038	\$2,756,901	2.610443%	\$292,417
Waterloo	549,915	1,030,179	\$3,802,913	\$1,946,788	2.187574%	\$245,048
<b>Subtotal</b>	<b>23,037,471</b>	<b>15,648,151</b>	<b>\$71,070,717</b>	<b>\$47,262,085</b>	<b>53.989465%</b>	<b>\$6,047,790</b>
<b>Grand Total</b>	<b>26,668,309</b>	<b>28,983,712</b>	<b>\$100,626,759</b>	<b>\$64,545,002</b>	<b>100.000000%</b>	<b>\$11,201,797</b>

### Section 5310 Formula Allocation for FY2011 Large Urban Systems

System Name	FY2009 Ridership	FY2009 Revenue Miles	FY2011 Formula %	FY2011 Formula Allocation
Ames	4,961,303	1,132,559	17.412178%	\$175,781
Bettendorf	180,996	366,031	2.142098%	\$21,625
Cambus	4,000,282	793,435	13.483696%	\$136,122
Cedar Rapids	1,201,169	1,135,590	8.213007%	\$82,913
Coralville	548,459	258,305	2.542555%	\$25,668
Council Bluffs	173,259	292,769	1.783159%	\$18,002
Davenport	1,153,142	858,819	6.810938%	\$68,758
Des Moines	4,169,523	2,928,296	23.805476%	\$240,323
Dubuque	335,176	528,793	3.275195%	\$33,064
Iowa City	1,982,814	924,140	9.146965%	\$92,341
Sioux City	1,188,774	717,508	6.242473%	\$63,020
Waterloo	511,253	838,155	5.142260%	\$51,913
<b>Grand Total</b>	<b>20,406,150</b>	<b>10,774,400</b>	<b>100.000000%</b>	<b>\$1,009,530</b>

Metro Area Transit  
CB Projected Federal Funds

**Estimated Sec 9 Calculations**

CY 2010 Projected Maintenance Reimbursement	\$4,676,324.63
2010 Sec 9 Allocation to the City of Council Bluffs	\$255,172.76
CY 2011 Projected Maintenance Reimbursement	\$4,816,614.75
2011 Sec 9 Allocation to the City of Council Bluffs	\$262,827.96
Projected FY2011 (07-01-10 to 06-30-11) Federal Funds	\$259,000.36



RESOLUTION  
NO. 10-57

RESOLUTION DIRECTING THE CLERK TO PUBLIC NOTICE  
AND SETTING A PUBLIC HEARING ON THE APPLICATION  
FOR FY 2011 STATE TRANSIT ASSISTANCE

WHEREAS, the City of Council Bluffs expects to submit an application for approximately \$164,000 in State Transit Assistance and \$18,000 in Section 5310 funds for use in operating its transit system during FY 2011; and

WHEREAS, a public hearing on the application is required before its submission to the Iowa Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the Application for FY 2011 State Transit Assistance setting March 29, 2010, at 7:00 p.m. as the date and time of said hearing.

ADOPTED  
AND  
APPROVED

February 22, 2010

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Thomas P Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading February 22, 2010

Case/Project No.: FY11-22-2

Resolution No. 10-58

Applicant: Matthew Cox, City Engineer

### SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on March 8, 2010, for the Public Works Operation Facility. Project #FY11-22-2.

### BACKGROUND/DISCUSSION

- The city has been successful in obtaining an IJOBS grant in the amount of \$3,869,000.
- Recently the State of Iowa initiated the IJOBS program. It is a multipart program funded by \$830 million over three years. The program intent is to assist the state in recovery from natural disasters in 2008 and to create or preserve jobs.
- IJOBS has several different components:
  - \$300 million for legislative directed public infrastructure
  - \$115 million for Transportation (Council Bluffs will receive \$600,000)
  - \$ 80 million for Environment and Water Quality
  - \$ 35 million for Housing
  - \$ 35 million for Technology and Alternative Energy
  - \$265 million for Disaster Recovery
- Disaster Recovery Funds are allocated as:
  - \$100 million for University of Iowa
  - \$46.5 million for Linn County, Cedar Rapids and fire stations in Palo, Elkader and Charles City
  - \$118.5 in Local Infrastructure Program for competitive grants to be awarded to cities, counties, and non profits across the state.
- The Local Infrastructure Program awards funding on a competitive basis through grant applications. Basis for award include five equally weighted criteria.
  - Job creation
  - Financial feasibility
  - Sustainability and energy efficiency
  - Benefits for disaster recovery
  - Readiness to proceed
- Projects eligible are related to:
  - Disaster rebuilding
  - Reconstruction and replacement of local public buildings
  - Flood control and flood protection
  - Future flood prevention

## BACKGROUND/DISCUSSION

- The program funds up to 75% of a project for replacing or rebuilding existing disaster related damaged property or 50% of total cost for all other projects.
- A Notice of Intent to submit an application for the construction of a new Public Works Operations Facility was submitted July 14. The full application for a grant was submitted August 3. The city has been notified the grant was approved.
- Currently the city has three separate sites housing Public Works streets, sewers, and traffic operations. One site is immediately adjacent to Indian Creek and is highly vulnerable to flooding. All facilities are in poor condition, undersized, and inadequate to meet the needs of the operation.
- In the event of a disaster, Public Works operations is required to play a critical role in response and recovery efforts. A facility which provides for efficient and effective operations will greatly enhance disaster response.
- The proposed project provides for construction of a 37,400 SF joint operations center housing Council Bluffs Public Works Street, Sewer, and Traffic Maintenance personnel and equipment. The facility would be located on a parcel of ground the city has previously purchased to accommodate the eventual relocation of all public works divisions to a central location. The proposed building will house 65 employees and 60 major pieces of equipment. In the spring of 2009 a new \$5 million Fleet Maintenance Facility was located on this site.
- To date, a site preparation (grading) contract has been awarded and that work will be completed by April.
- This proposed contract includes construction of site improvements, the new building, a new fueling station for city vehicles, and pavement for 10<sup>th</sup> Avenue. Contract estimate is nearly \$8 million.
- The original project total was estimated at \$7,738,000. The project was funded:
  - \$3,869,000 IJOBS grant
  - \$3,869,000 Local Funds
- As the project has evolved, the costs have gone up. Total project cost is now \$9.285 million. To assure an affordable project several items totaling \$685,000.00 have been identified to be bid as alternates. Also an additional \$915,000.00 in sewer funds, road use tax funds, and sales tax funds have been added to the project. With the deducts the cost are estimated at \$8.6 million and with the additional funding, total funding available is \$8,653,000.00

- With the favorable bidding climate, it is possible some the deduct items can be added back into the project.
- The project schedule is:

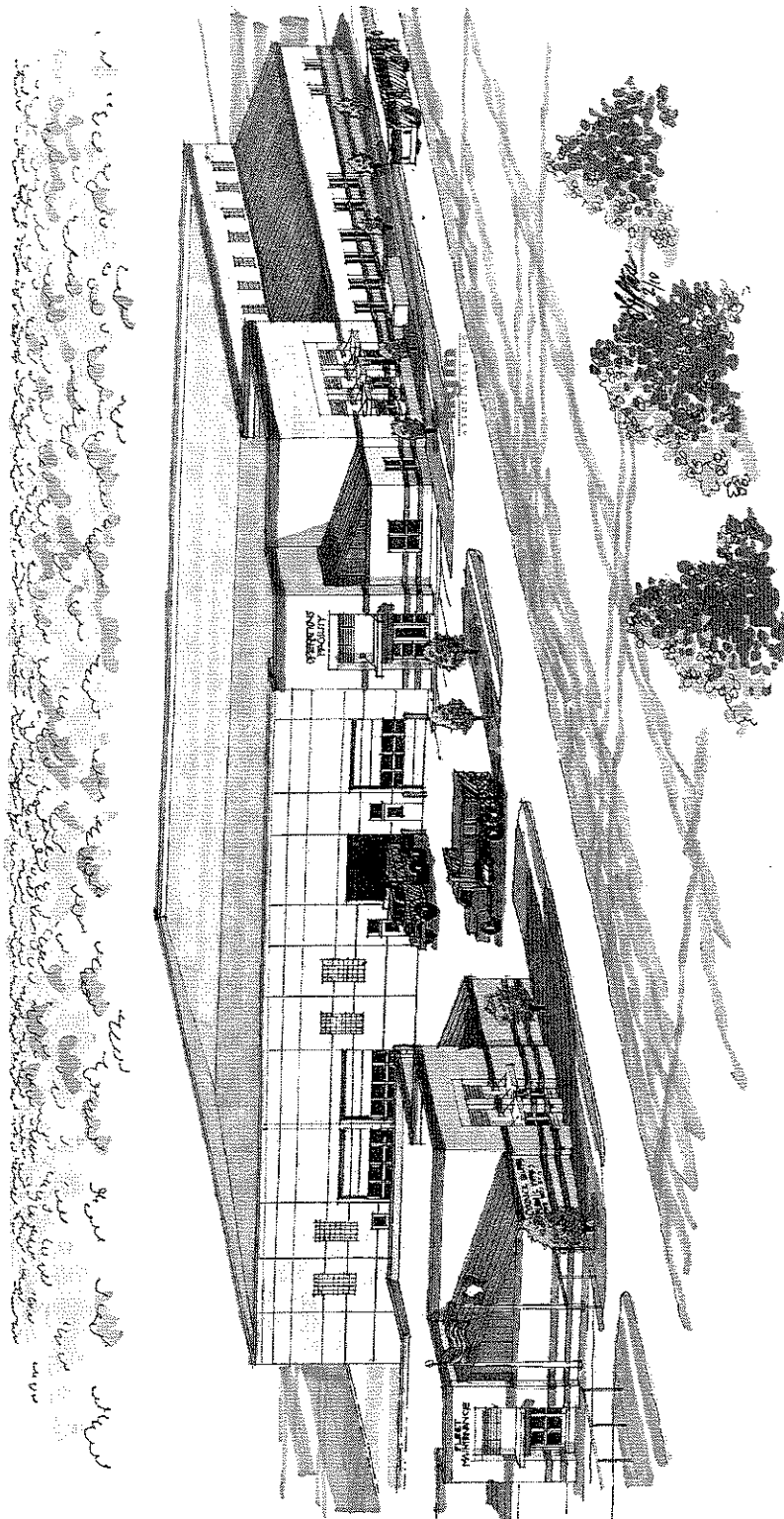
Set Public Hearing	February 22, 2010
Hold Public Hearing	March 8, 2010
Letting	April 13, 2010
Award	April 25, 2010
Construction Completion	Summer 2011

#### **RECOMMENDATION**

Approval of this resolution.

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Greg Reeder, Public Works Director



**COUNCIL BLUFFS PUBLIC WORKS  
OPERATIONS FACILITY**  
SOUTH 8TH STREET & 10TH AVENUE  
COUNCIL BLUFFS, IOWA



CULVER/JUDGE  
**JOBS**

Feb. 10, 2009  
15099  
RLI

**hgm**  
ASSOCIATES INC.





2/10/2010

## PUBLIC WORKS OPERATIONS FACILITY BUDGET

COSTS				FUNDING		
part	scope	sub cost	total cost	original	additional	total
contract 1	1 Site Prep		\$375,000	JOBS	\$3,869,000	\$3,869,000
				GO BONDS	\$700,000	\$700,000
contract 2	1 Civil site work		\$650,000	GENERAL FUND	\$275,000	\$275,000
	bldg & utilities			SEWER FUNDS	\$1,500,000	\$300,000 \$1,800,000
	fuel island paving			RUTF	\$1,394,000	\$300,000 \$1,694,000
	grading & paving			SALES TAX		\$315,000 \$315,000
	se corner paving			total	\$7,738,000	\$915,000 \$8,653,000
	fencing & gates					
	2 site lighting		\$25,000			
	3 Building		\$6,420,000			
	vehicle bays	\$1,450,000				
	office/shop/mezzanine	\$2,800,000				
	plumbing	\$280,000				
	geothermal system/HVAC	\$845,000				
	electrical	\$850,000				
	communication, security, A/V	\$230,000				
	fire sprinkler/alarm	\$165,000				
	4 10th Ave paving-		\$295,000			
	east extension	\$100,000				
	mid extension	\$115,000				
	west extension	\$80,000				
	wash bay bldg		\$200,000			
	remove old storage bldg		\$20,000			
	fuel island		\$150,000			
	fuel island canopy		\$25,000			
	5 fiber optic-traffic system		\$65,000			
	5 ton crane		\$75,000			
	BASE TOTAL		\$7,945,000			
	11 construction contingency		\$125,000			
	TOTAL CONTRACT 2 COST		\$8,070,000			
deduct	alternate	delete wash bay bldg	\$200,000			
deduct	alternate	delete remove old storage bldg	\$20,000			
deduct	alternate	delete fuel island	\$150,000			
deduct	alternate	delete fuel island canopy	\$25,000			
deduct	alternate	delete fuel island paving	\$80,000			
deduct	alternate	delete paving se corner	\$135,000			
deduct	alternate	delete 5 ton crane in vac/jet bay	\$75,000			
deduct	alternate	total deletes	\$685,000			
		CONTRACT 2 LESS DELETES	\$7,385,000			
	Architect/Engineering		\$673,000			
	building	\$653,000				
	10th st	\$20,000				
	OWNER SUPPLIED		\$137,000			
	generator	\$75,000				
	furniture & shelving	\$50,000				
	phase II EA	\$8,000				
	irrigation	\$4,000				
base	relocate MAE power line		\$30,000			
	TOTAL COST		\$9,285,000			
	TOTAL COST w/ deducts		\$8,600,000			



**RESOLUTION**  
**NO 10-58**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
PUBLIC WORKS OPERATION FACILITY  
FY11-22-2**

WHEREAS, the City wishes to make improvements known as the  
Public Works Operation Facility, within the City,  
as therein described; and

WHEREAS, the plans, specifications, form of contract and cost  
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of  
contract and cost estimate for the Public Works Operation Facility setting March 8, 2010, at 7:00  
p.m. as the date and time of said hearing.

ADOPTED  
AND  
APPROVED

February 22, 2010

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Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk

## Council Communication

Department: Finance Case/Project No. n/a Applicant: Arthur Hill Finance Director	Ordinance No. _____ Resolution No. <u>10-59</u>	Council Action: <u>2/22/2010</u>
<b>Subject/Title</b>		
Council consideration of a resolution approving the annual budget for the fiscal year ending June 30, 2011.		
<b>Background/Discussion</b>		
On February 12, 2009 notice of the proposed budget was published in the Council Bluffs Daily Nonpareil.		
On February 22, 2009 a public hearing will have been held to receive public comment regarding the city budget for the fiscal year ending June 30, 2011.		
The City of Council Bluffs is required to submit its approved annual budget to both the Pottawattamie County Auditor and the Iowa Department of Management no later than March 15, 2010.		
The proposed budget for the fiscal year ending June 30, 2011 calls for a property tax levy of \$17.8511, a reduction from the prior year levy of \$17.9732 per thousand dollars of taxable property valuation.		
<b>Recommendation</b>		
Adoption of a resolution approving the City of Council Bluffs annual budget for the fiscal year ending June 30, 2011.		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

**Resolution No. 10-59**

**A Resolution approving the annual budget for the fiscal year ending June 30, 2011.  
(July 1, 2010 through June 30, 2011)**

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: the annual budget for the fiscal year ending June 30, 2011 has been prepared and presented to the city council as a receive and file item at the regular meeting of February 8, 2009 and

Whereas: notification to the public of a public hearing has been published in the February 12, 2009 edition of the Council Bluffs Non Pareil and

Whereas: a public hearing to receive public comment regarding the City of Council Bluffs annual budget for the fiscal year ending June 30, 2011 was held February 22, 2010,

The annual budget for the fiscal year ending June 30, 2011 (July 1, 2010 through June 30, 2011) as set forth in the budget estimate summary and in the detailed budget in support hereof presenting revenue estimates and appropriation expenditures and allocations to programs and activities for said fiscal year is adopted, and the city clerk or city finance director is directed to make filing required by law, and to establish the adopted budget in the financial accounting system(s) of the city.

Adopted  
and  
Approved: February 22, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk

### Council Communication

Department: Community Development Case #SUB-10-002 Applicant: Robert P. McCarthy Western Iowa Land Development, LLC Box 683, Avoca IA 51521 Surveyor/Engineer: HGM Associates Inc., Bryan Simonsen 640 Fifth Avenue, PO Box 919 Council Bluffs, IA 51502-0919	Resolution No. <u>10-60</u>	City Council Meeting Public Hearing: 2-22-2010
<b>Subject/Title</b> Final Plat approval - Acosta West Subdivision - a replat of Block 92, Railroad Addition		
<b>Background/Discussion</b> <p>Western Iowa Land Development, LLC (WILD) is requesting final plat approval for a replat of approximately 2.2 acres located between South 18<sup>th</sup> and South 19<sup>th</sup> Streets, south of 28<sup>th</sup> Avenue. This replat will create seven single family residential lots with access along 28<sup>th</sup> Avenue. Outlot 1, lying to the south extends to Interstate right-of-way. This outlot will be conveyed to the City with execution of the final plat. The dedication is shown on the plat. It will not be further developed but used as a buffer between the residential use and the Interstate. A development agreement between the City and Western Iowa Land Development, LLC executed on January 10, 2007, set forth the responsibilities for single family residential development, including acquisition, vacations and the cost and timing for installing public improvements, including street and sewer. Phase 1 included development of Acosta Subdivision, (located between South 15<sup>th</sup> and South 17<sup>th</sup> Streets, south of 28<sup>th</sup> Avenue) as platted by Resolution No. 07-207 on May 7, 2007. Replats are approved after public hearing by the City Council. The proposed Acosta West Subdivision is shown on Attachment 'A'.</p> <ol style="list-style-type: none"><li>1. The proposed subdivision is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Zoning and Subdivision Ordinances and the Development Agreement executed on January 10, 2007. As part of the development agreement, the applicant is required to submit a final plat consistent with the Subdivision Ordinance prior to the City letting a contract for constructing 28<sup>th</sup> Avenue, west of South 18<sup>th</sup> Street. The public improvements to be completed in 2010 include construction of a 26' wide curbed concrete street and associated storm sewer, which will tie to the 42" trunk line, built in 2009 as part of a separate Public Works project. Sanitary sewer laterals will be extended from the existing 15" main centered in the 28<sup>th</sup> Avenue right-of-way. Grading for both the right-of-way and the private property has been completed and accepted through a separate City contract. Funds have been allocated to assure performance. The Community Development is managing the contracts for the public improvements.</li><li>2. This block and the land to the north and west are zoned R-3/Low Density Multi-family Residential while the land directly east is zoned R-2/Two family Residential. The Community Development Department has initiated rezoning this property and the adjacent land north to 23<sup>rd</sup> Avenue and east to South 15<sup>th</sup> Street from R-3 and R-2 to R-1. That case will go to the Planning Commission in March.</li><li>3. Resolution No. 07-82 vacated both north/south alleys and the adjacent 16' of both South 18<sup>th</sup> and South 19<sup>th</sup> Streets on March 12, 2007.</li><li>4. Design is underway for the water main that will extend west in 28<sup>th</sup> Avenue at South 18<sup>th</sup> Street. Service lines for new structures are required at time of construction. Fire hydrants if needed to comply with spacing requirements in the Fire Safety Code will be installed with construction of the new water main.</li><li>5. Electric, gas and communications utilities will be extended to serve each lot.</li></ol>		

6. MidAmerican Energy does not have electric distribution facilities in place to serve the subdivision. The necessary distribution extension and individual service lines shall be installed underground. The easements shown on the plat are adequate for MidAmerican's needs.
7. Driveway access to all lots shall be limited to 28<sup>th</sup> Avenue. Direct access to Lot 1 from South 19<sup>th</sup> Street and Lot 7 from South 18<sup>th</sup> Street is not permitted. A note on the final plat to that effect shall be added.

#### **Recommendation**

The Community Development Department recommends approval of the final plat for a seven (7) lot single family residential subdivision to be known as Acosta West, as shown on Attachment 'A', subject to the following:

1. Prior to executing the final plat, all technical corrections required by the Community Development and/or Public Works Department shall be incorporated into the final plat document, including a note in the dedication to prevent direct access to Lot 1 from South 19<sup>th</sup> Street and to Lot 7 from South 18<sup>th</sup> Street.
2. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for the distribution and service lines and streetlights. Within the subdivision, all utilities shall be installed underground.
3. Sidewalk, at no cost to the City, shall be constructed along the street frontage of each residential lot prior to issuance of a certificate of occupancy for that house.

Prepared by: Gayle M. Malmquist, Development Services Coordinator  
Attachment: Acosta West Subdivision - Final Plat - Attachment 'A'



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Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

### RESOLUTION NO. 10-60

A RESOLUTION granting final plat approval for seven lot single family residential subdivision to be known as Acosta West.

WHEREAS, Western Iowa Land Development LLC (WILD) is requesting final plat approval for a replat of approximately 2.2 acres located between South 18<sup>th</sup> and South 19<sup>th</sup> Streets, south of 28<sup>th</sup> Avenue, to be known as Acosta West Subdivision; and

WHEREAS, this replat will create seven single family residential lots with access along 28<sup>th</sup> Avenue; and

WHEREAS, this block and the land to the north and west are zoned R-3/Low Density Multi-family Residential, while the land directly east is zoned R-2/Two Family Residential. The Community Development Department has initiated rezoning this property and the adjacent land north to 23<sup>rd</sup> Avenue and east to South 15<sup>th</sup> Street from R-3 and R-2 to R-1. That case will go the Planning Commission in March; and

WHEREAS, the proposed subdivision is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Zoning and Subdivision Ordinances and the Development Agreement executed on January 10, 2007; and

WHEREAS, the final plat has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Community Development Department recommends approval of the final plat for a seven lot single family residential subdivision to be known as Acosta West, as shown on Attachment "A", subject to the following conditions:

1. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document, including a note in the dedication to prevent direct access to Lot 1 from South 19<sup>th</sup> Street and to Lot 7 from South 18<sup>th</sup> Street.

2. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for the distribution and service lines and streetlights. Within the subdivision, all utilities shall be installed underground.
3. Sidewalk, at no cost to the City, shall be constructed along the street frontage of each residential lot prior to issuance of a certificate of occupancy for that house.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for Acosta West Subdivision, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
MARCIA L. WORDEN City Clerk

Planning Case No. SUB-10-002



## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY10-13  
Applicant: Matthew Cox, City Engineer

Ordinance No. \_\_\_\_\_  
Resolution No. 10-61

First Reading February 22, 2010

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the Iowa Department of Transportation to advertise for bids setting March 16, 2010, as the date for the bid opening for So. 24<sup>th</sup> Street Improvements – Phase I from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue. Project #FY10-13.

### BACKGROUND/DISCUSSION

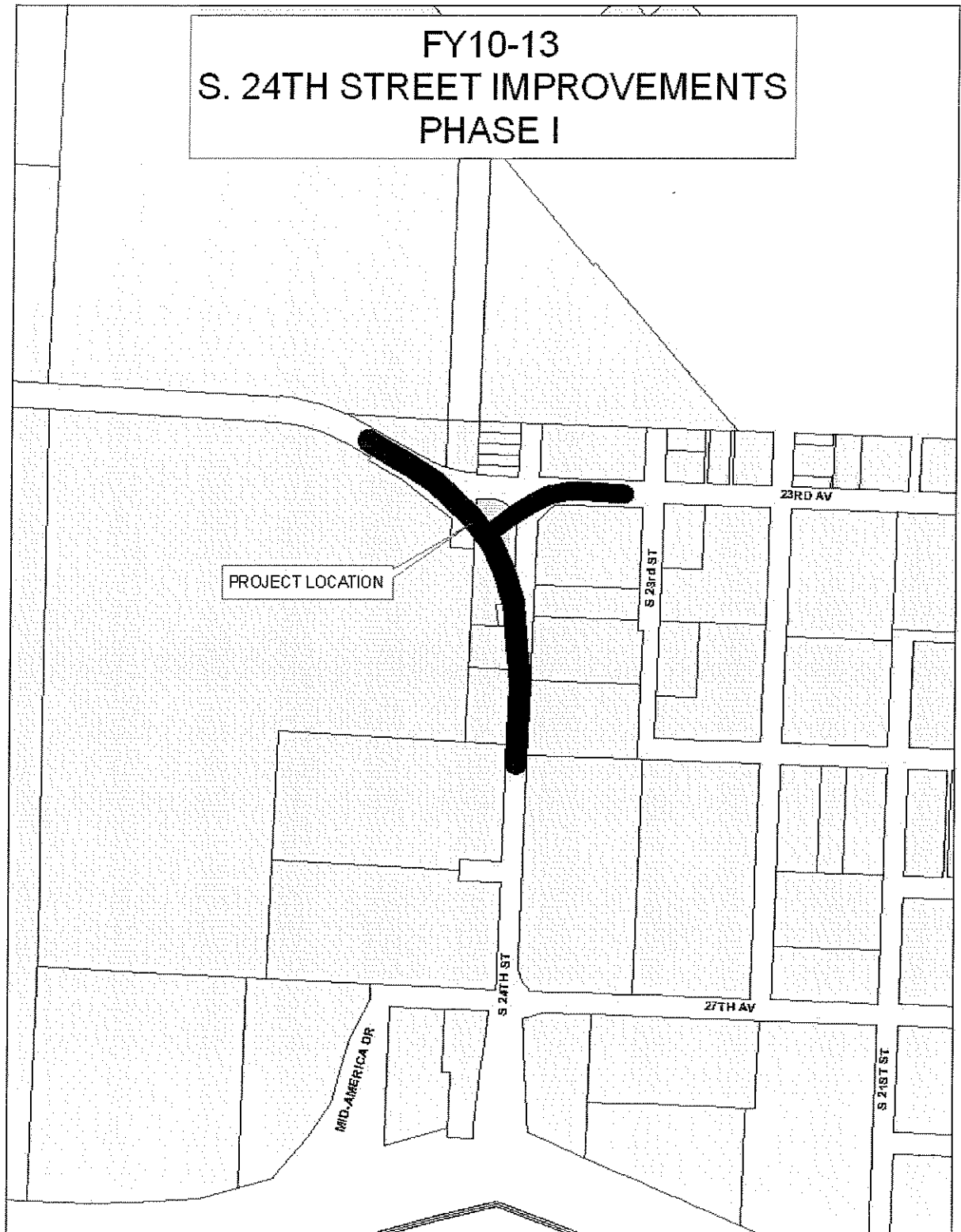
- So. 24<sup>th</sup> Street is a major arterial with 2002 traffic counts of 15,000 vehicles per day.
- Developments such as the Star Cinema, MidAmerica Center, Bass Pro and the Bluffs Run expansion generate significant amounts of additional traffic.
- The existing pavement is four lanes wide and is in poor condition. It was originally constructed in 1970.
- The proposed project will reconstruct So. 24<sup>th</sup> Street with 5 lanes from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue.
- The additional lanes and new alignment required acquisition of right-of-way primarily along the west side of the existing 24<sup>th</sup> Street roadway. Due to right-of-way issues the project is being undertaken in Phases, this being Phase I.
- The project is identified as FY10-13 in the CIP and has a budget of \$1,200,000 in Federal Congestion Management and Quality (CMAQ) funds and \$300,000 in sales tax funds for a total budget of \$1,500,000.
- Phase I will be constructed in the summer of 2010.
- The project schedule is as follows:

Set Public Hearing	February 8, 2010
Hold Public Hearing	February 22, 2010
IDOT Letting	March 16, 2010
Award	March 28, 2010

### RECOMMENDATION

Approval of this resolution.

FY10-13  
S. 24TH STREET IMPROVEMENTS  
PHASE I



**RESOLUTION**  
**NO 10-61**

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,  
FORM OF CONTRACT AND COST ESTIMATE FOR THE  
SO. 24<sup>TH</sup> STREET IMPROVEMENTS, PHASE I FROM THE NORTH PROPERTY  
LINE OF SAPP BROTHERS NORTH TO 23<sup>RD</sup> AVENUE  
FY10-13**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the Iowa Department of Transportation for the So. 24<sup>th</sup> Street Improvements, Phase I from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on February 22, 2010.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the So. 24<sup>th</sup> Street Improvements, Phase I from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue and the Iowa Department of Transportation is hereby authorized to advertise for bids for said project.

ADOPTED  
AND  
APPROVED: February 22, 2010

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Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading February 22, 2010  
Case/Project No.: \_\_\_\_\_ Resolution No. 10-52  
Applicant: Matthew Cox, City Engineer

### SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute Iowa Department of Transportation Agreement No. IMN-29-3(65)54--OE-78 for right-of-way acquisition in connection with I-29 & I-80 Interstate Improvement.

### BACKGROUND/DISCUSSION

- IDOT is making interstate improvements to I-29 and I-80. To facilitate the project, additional right-of-way and temporary construction easements are required.
- The agreement conveys 382,924 square feet by Quit Claim Deed. The acquisition areas are identified as locations 1 thru 4 on the attached map.
- The project is identified by IDOT as IMN-29-3(65)54--OE-78 and funding is provided by the State of Iowa. This is Phase II of the improvements to the interstate system and includes the area between Indian Creek and the Missouri River.
- Construction is scheduled to begin in the West System Interchange in Fall 2010.

### RECOMMENDATION

Approval of this resolution.

Approved by: Greg Reeder, Public Works Director

Return to and Prepared by Valerie Goethals, Right of Way Office, Iowa Dept. of Transportation, 800 Lincoln Way, Ames, IA 50010, 515-239-1361  
Form 634028



# Iowa Department of Transportation

Office of Right of Way, 800 Lincoln Way, Ames, Iowa 50010

Ph.: 515-239-1135  
Toll-Free: 866-282-5809  
FAX: 515-239-1247  
[www.iowadot.gov](http://www.iowadot.gov)

## PURCHASE AGREEMENT

Parcel Number: 215 County: Pottawattamie  
Project Number: IMN-29-3(65)54-0E-78 Route Number: I-29  
Seller: City of Council Bluffs

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between Seller and the Iowa Department of Transportation, acting for the State of Iowa, Buyer.

- 1a. The Seller agrees to sell and furnish to the Buyer a conveyance document, on form(s) furnished by the Buyer, and the Buyer agrees to buy the following real estate, hereinafter referred to as the premises, situated in parts of the following SE $\frac{1}{4}$  SW $\frac{1}{4}$  & Sw $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, SW $\frac{1}{4}$  SW $\frac{1}{4}$  & SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2; SW $\frac{1}{4}$  SE $\frac{1}{4}$  & SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2; NW $\frac{1}{4}$  NE $\frac{1}{4}$  & NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11; NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Se $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4, all in Township 74 North, Range 44 West, in the county of Pottawattamie, State of Iowa, and more particularly described on pages 8-12, including the following buildings, improvements and other property:

All land, trees, shrubs, landscaping and surfacing attached to the premises sought and described herein

- 1b. ~~The Seller also agrees to convey to the Buyer all of the Seller's rights of direct access from the premises to Highway \_\_\_\_\_, from Sta. \_\_\_\_\_, excepting and reserving to the Seller the right of access at the following locations \_\_\_\_\_.~~
2. The Buyer agrees to pay, and the Seller agrees to grant, the right of possession, convey title and surrender physical possession of the premises as shown on or before the dates listed below.

Payment Amount	Agreed Performance	Date of Performance
\$ _____	On conveyance of title	_____
\$ _____	On surrender of possession	_____
\$ <u>Mutual Benefit</u>	On possession and conveyance	<u>60 day after Buyer Approval</u>

\$ Mutual Benefit Total Lump-Sum Amount

### Breakdown

### Ac./Sq.Ft

Land by fee title	<u>-0-</u>	sq. ft.	Fence	<u>-0-</u>	rods woven
Underlying fee title	<u>-0-</u>	acres	Fence	<u>-0-</u>	rods barbed
Quit Claim Deed	<u>382,924</u>	sq. ft.			
	<u>-0-</u>	acres			

3. Possession of the premises is the essence of this agreement and the Buyer may enter and assume full use and enjoyment of the premises per the terms of this agreement. The Seller grants the Buyer the immediate right to enter the premises for the purpose of gathering survey and soil data. The Seller may surrender possession of the premises, building, improvement, or any part thereof, prior to the time that he/she has agreed to do so, and agrees to give the Buyer 10 days notice of the Seller's intention to surrender possession by calling the Buyer at 1-800-926-4368.
4. The Seller warrants that there are no tenants on the premises holding under lease, except (none).
5. This agreement shall apply to and bind the legal successors in interest of the Seller, and the Seller agrees to pay all liens and assessments against the premises, including all taxes and special assessments payable until surrender of possession, as required by the Iowa Code section 427.2 and agrees to warrant good and sufficient title. Names and addresses of lien holders are (none).
6. The Buyer may include mortgagees, lien holders, encumbrances, and taxing authorities as payees on warrants issued in payment of this agreement. In addition to the total lump-sum payment amount, the Buyer agrees to pay \$0.00 for the cost of adding title documents required by this transaction to the Seller's abstract of title. If requested to do so, the Seller will deliver to the Iowa Department of Transportation, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, an abstract of title to the premises. The Buyer agrees to pay the cost of abstract continuation. The Seller agrees to provide the documents as may be required by Iowa Land Title Standards to convey merchantable title to the Buyer. The Seller also agrees to obtain court approval of this agreement, if requested by the Buyer, in the event title to the premises becomes an asset of any estate, trust, conservatorship or guardianship. The Buyer agrees to pay court approval costs and all other costs necessary to transfer the premises to the Buyer, except attorney fees. Claims for such transfer costs shall be paid in amounts supported by paid receipts or signed invoices.
7. The Buyer agrees that any agricultural drain tiles that are located within the premises that are damaged or require relocation by highway construction shall be repaired or relocated at no expense to the Seller. Where the Buyer specifically agrees to construct and maintain fence, the fence shall be constructed and maintained for vehicle access control purposes at no expense to the Seller. The Buyer has the right of entry upon the Seller's remaining property along the right-of-way line, if necessary, for the purpose of connecting the drain tile, and constructing and maintaining the fence. The Seller may pasture against the fence at his/her own risk. The Buyer will not be liable for fencing private property or maintaining it to restrain livestock.
8. If the Seller holds title to the premises in joint tenancy with full rights of survivorship and not as tenants in common at the time of this agreement, the Buyer will pay any remaining proceeds to the survivor of that joint tenancy, and will accept title solely from that survivor, provided the joint tenancy has not been destroyed by operation of law or acts of the Seller.
9. These premises are being acquired for public purposes. This transfer is exempt from the requirements for the filing of a "Declaration of Value" in accordance with Iowa Code section 428A.1.
10. The premises also includes all estates, rights, title, and interests, including all easements, and all advertising devices and the right to erect such devices as are located thereon. The Seller consents to any change of grade of the highway and accepts payment under this agreement for any and all damages arising from those changes. The Seller acknowledges full settlement and payment from the Buyer for all claims per the terms of this agreement, and discharges the Buyer from liability because of this agreement and the construction of the public improvement project.
11. The Seller states and warrants that, to the best of the Seller's knowledge, there is no burial site, well, solid waste disposal site, hazardous substance or underground storage tank on the premises, except none..
12. This written agreement constitutes the entire agreement between Buyer and Seller and there is no agreement to do or not to do any act or deed except as specifically provided for herein.
13. The Sellers grant to the Buyer temporary easements for the purpose of to Shape and construct recreational trail. The Right-of-Way Design Plot Plan, attached as pages 4-7 of this agreement, graphically illustrates the proposed temporary easement area being granted. The temporary easement shall terminate on completion of this highway project.
14. It is understood and agreed that this Agreement serves as notice to Drainage District No. 32, as said Drainage District is under the authority of the Seller.

**Seller's signature and claimant's certification:** Upon due approval and execution by the Buyer, the undersigned sellers/claimants certify the total lump-sum payment amount shown here is just and unpaid.

City of Council Bluffs

BY:X

Thomas P. Hanafan, Mayor  
209 Pearl Street  
Council Bluffs, IA

BY:X

Marcia L. Worden, City Clerk

This section to be completed by a Notary Public. Both columns must be completed.

**MUNICIPAL ACKNOWLEDGEMENT – Acknowledgement for municipal corporations**

STATE OF IOWA  
COUNTY OF Pottawattamie ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, the undersigned, a notary public in and for said the State of Iowa, personally appeared Thomas P. Hanafan and Marcia L. Worden to me personally known, who being by me duly sworn, did say that they are the mayor and city clerk, respectively, of the city of Council Bluffs, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its city council, as contained in ordinance number \_\_\_\_\_, passed (the resolution adopted) by the city council under roll call number \_\_\_\_\_ of the city council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and that Thomas P. Hanafan and Marcia L. Worden acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.

(NOTARY SEAL)

\_\_\_\_\_  
(Sign in ink)

\_\_\_\_\_  
(Print/type name)

Notary Public in and for the State of Iowa

**Buyer's Approval**

Recommended by: Project Agent \_\_\_\_\_ (Date)  
Larry S. Phipps

Approved by: Right of Way Director \_\_\_\_\_ (Date)  
Martin J. Sankey

**Buyer's Acknowledgement**

STATE OF IOWA }  
COUNTY OF STORY } ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, the undersigned, personally appeared ROW Director, Martin J. Sankey, known to me to be a Right of Way Director of the Buyer and who did say that the instrument was signed on behalf of the Buyer by its authority duly recorded in its minutes, and said right of way director acknowledged the execution of the instrument, whose signature appears hereon, to be the voluntary act and deed of the Buyer, and by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

(NOTARIAL SEAL)

IOWA DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT  
PLOT PLAN  
1 OF 4

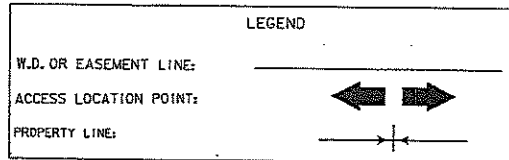
Page 4  
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PARCEL NO.: 215

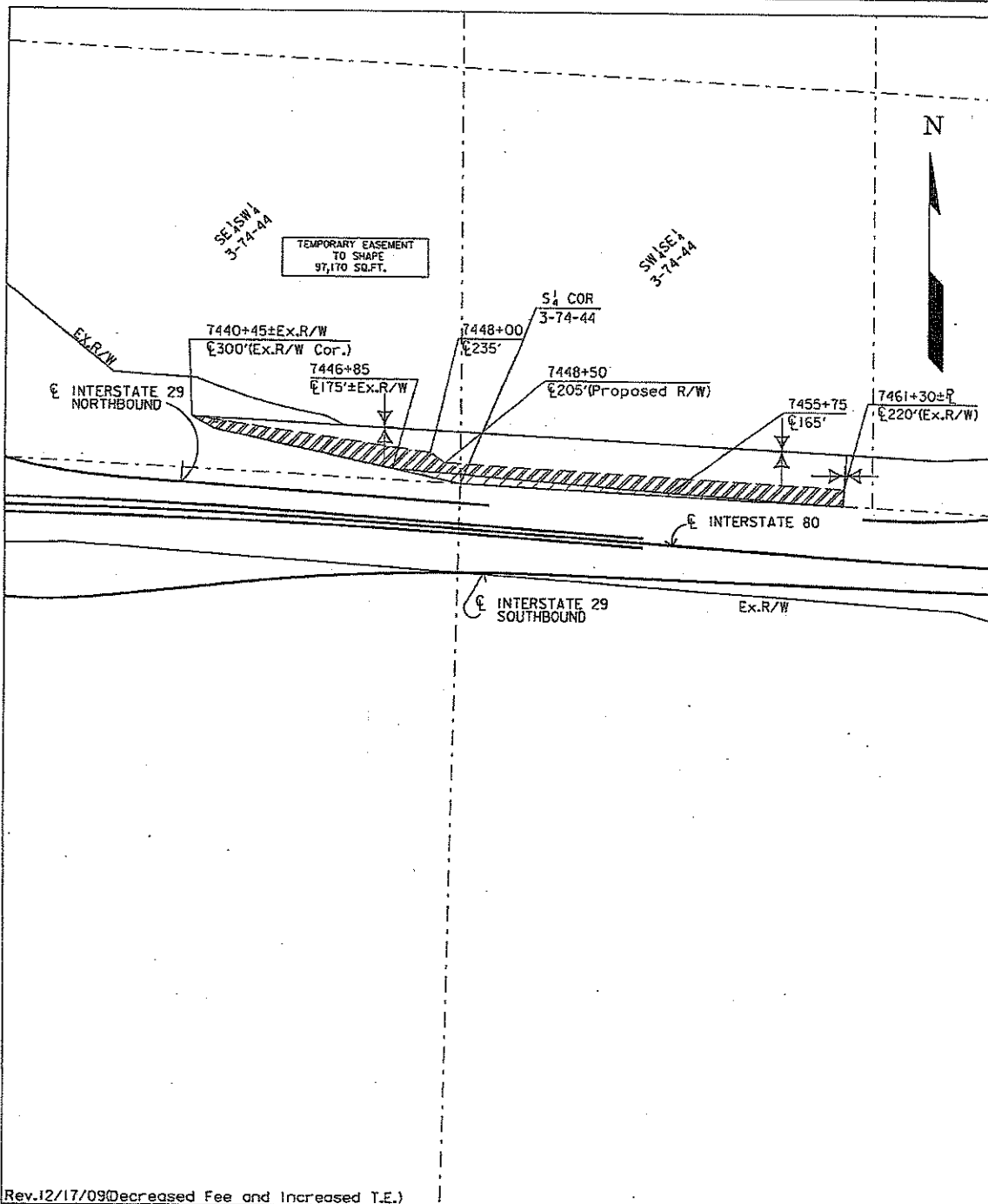
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SECTION: 03 T 74 N-R 44 W.

SCALE: 1"= 400'



CITY OF COUNCIL BLUFFS



Rev.12/17/09(Decreased Fee and Increased T.E.)

COUNTY: Pottawattamie

PROJECT NO.: IMN-29-3(65)54- -OE-78



IOWA DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT

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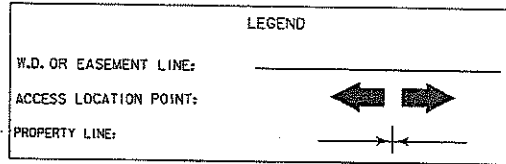
PLOT PLAN  
2 OF 4

PARCEL NO.: 215

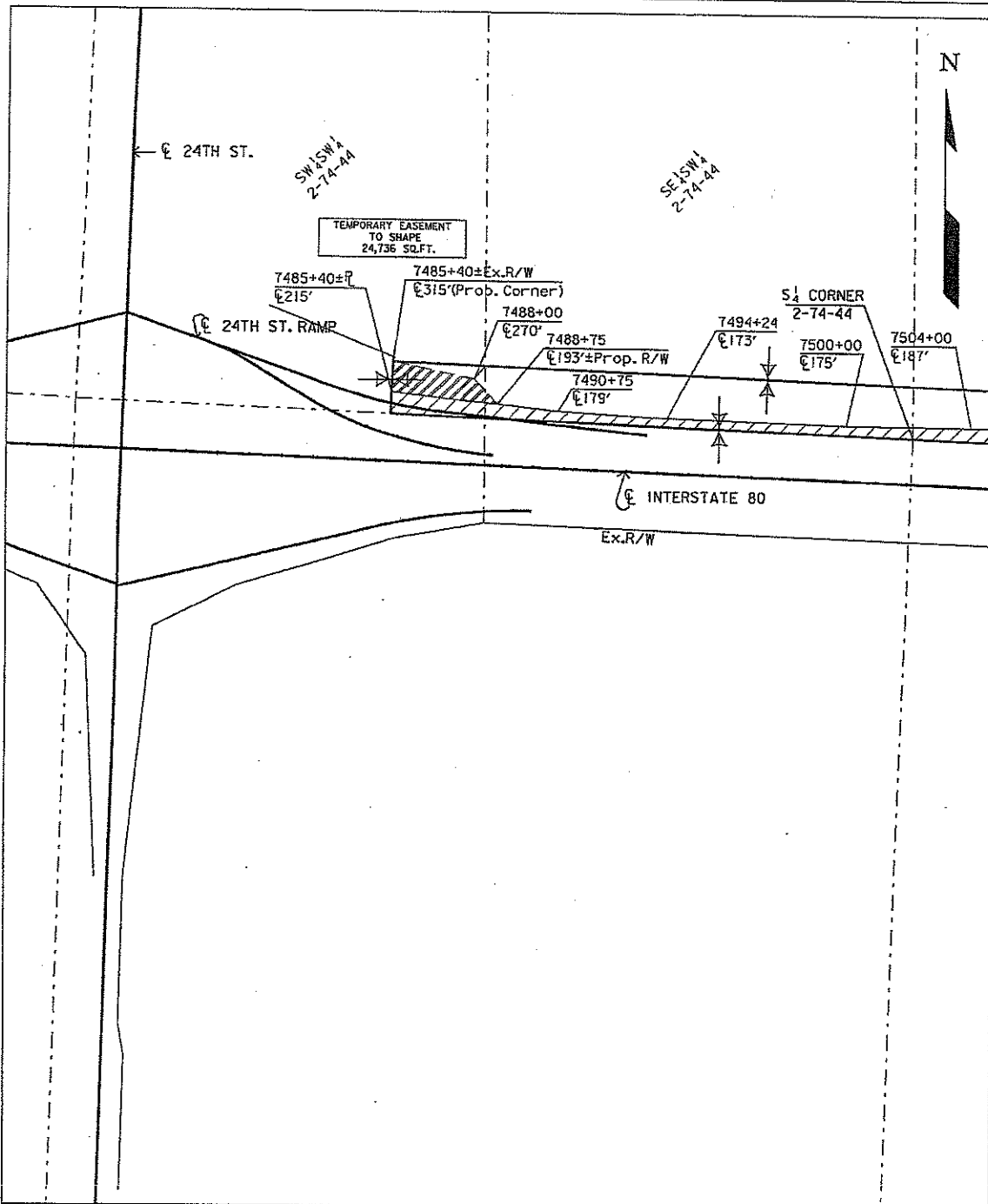
OWNER: CITY OF COUNCIL BLUFFS

SECTION: 02 T 74 N-R 44 W.

SCALE: 1" = 400'



CITY OF COUNCIL BLUFFS



COUNTY: Pottawattamie

PROJECT NO.: IMN-29-3(65)54- -0E-78

OWNER: CITY OF COUNCIL BLUFFS

SCALE: 1" = 400'

PROPERTY LINE:

PROJECT NO.: IMN-29-3(65)54- -OE-78

IOWA DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT

PA189215ST17802501004 Proj 178025065.215

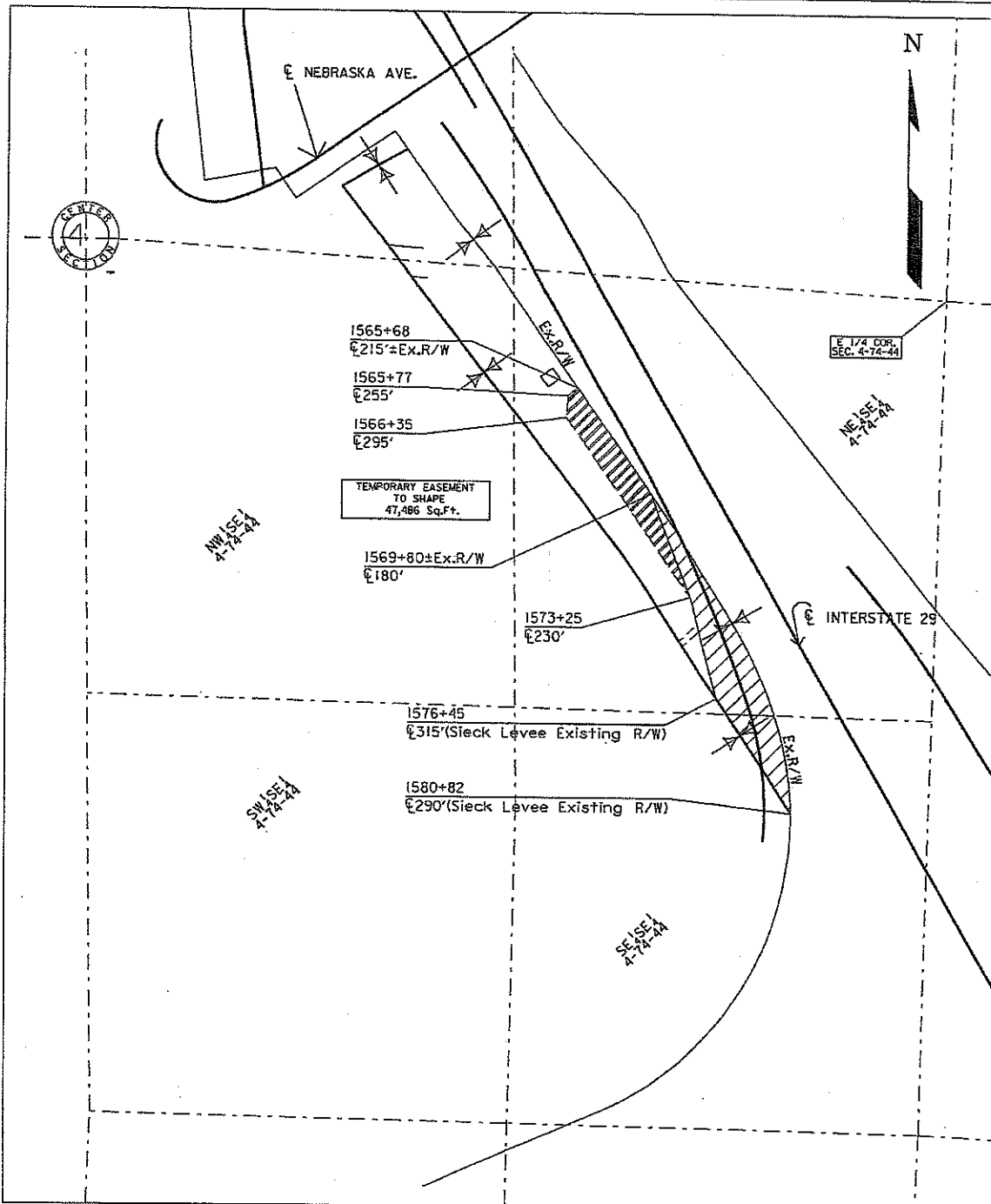
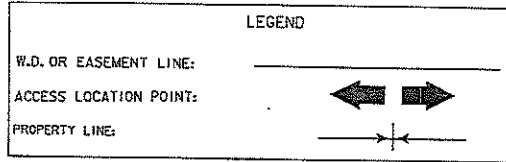
PLOT PLAN  
4 OF 4

PARCEL NO.: 215

OWNER: CITY OF COUNCIL BLUFFS

SECTION: 04 T 74 N-R 44 W.

SCALE: 1" = 400'



COUNTY: Pottawattamie

PROJECT NO.: IMN-29-3(65)54- -OE-78

I hereby certify that this (and surveying document) was prepared by me and the related survey work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL J. JENSEN Date 12-24-09

License number 11953  
Topics covered by this seal 1

My license renewal date is December 31, 2010



# IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT (2 OF 4)  
EXHIBIT "A"

Page 9



COUNTY **POTTAWATTAMIE**

PROJECT NO. **IMN-29-3(65)54--OE-78**

STATE CONTROL NO.

SECTION **2**

TOWNSHIP **74N**

PARCEL NO. **215**

ROW - FEE **\*60,717**

SQ. FT., EASE

RANGE **44W**

ACQUIRED ACCESS RIGHTS FROM STA.

TO STA.

AC. EXCESS - FEE **AC**

ACQUIRED ACCESS RIGHTS FROM STA.

TO STA.

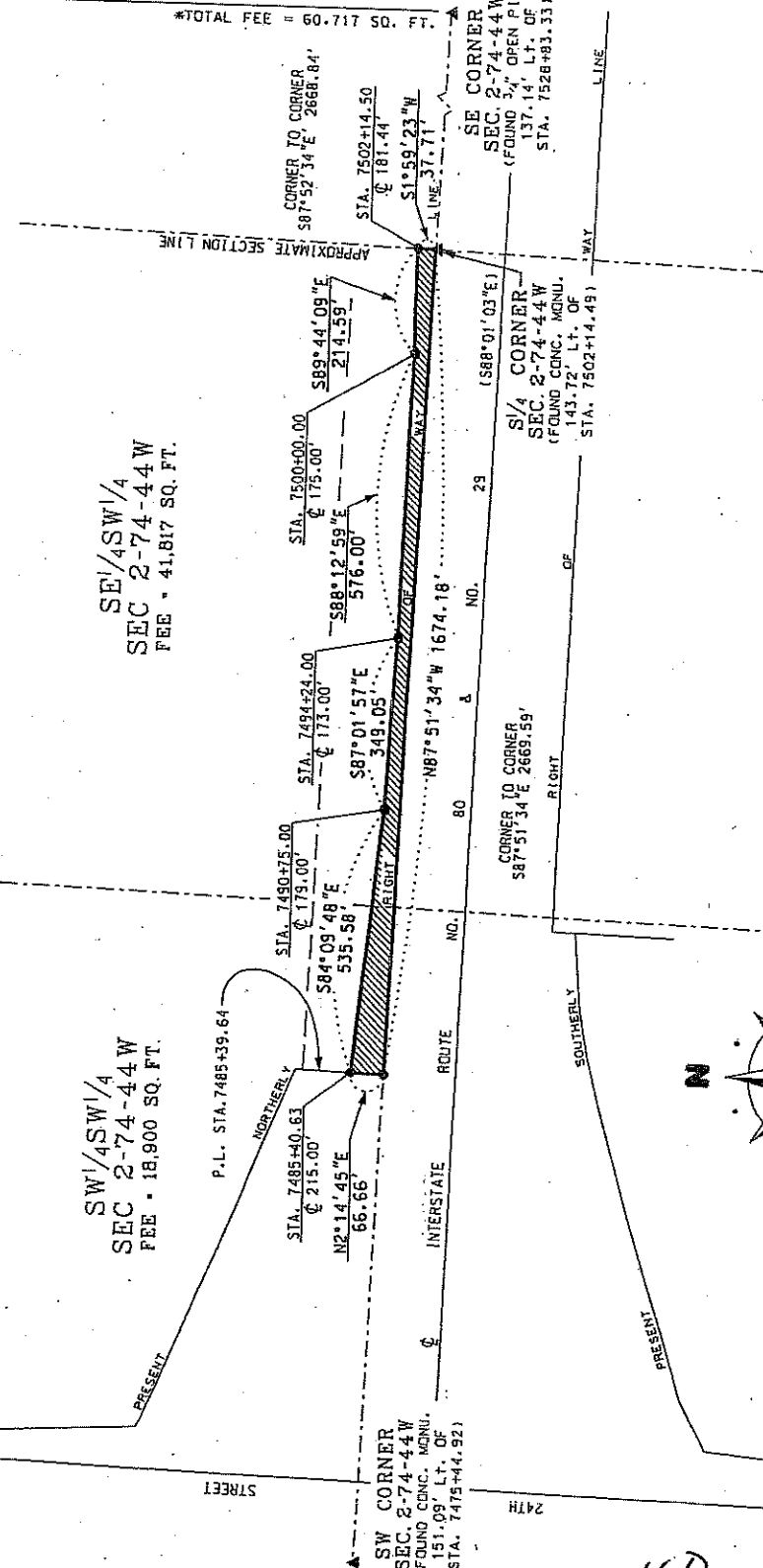
MAIN LINE **SIDE**

ACQUIRED FROM

SIDE ROAD **SIDE**

SW 1/4 SW 1/4 SECTION 2-74-44W = 18,900 SQ. FT.  
SE 1/4 SW 1/4 SECTION 2-74-44W = 41,817 SQ. FT.

\*TOTAL FEE = 60,717 SQ. FT.



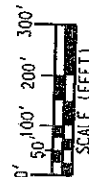
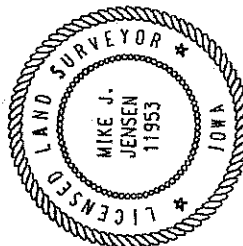
I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Mike J. Jensen 7-1-2009 Date

License number 11953

Pages covered by this seal 1

My License Renewal date is December 31, 2010



LEGEND	
●	SET 3/4" IRON PIN
○	W/CAP # 11953
○	CALCULATED POINT
▲	FOUND SECTION CORNER
△	SET SECTION CORNER

4D









**RESOLUTION 10-52**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE WITH IOWA DEPARTMENT OF TRANSPORTATION  
AGREEMENT NO. IMN-29-3(65)54--OE-78  
FOR RIGHT-OF-WAY ACQUISITION  
IN CONNECTION WITH  
I-29 & I-80 INTERSTATE IMPROVEMENT**

- WHEREAS, the Iowa Department of Transportation wishes to make improvements known as the I-29 & I-80 Interstate Improvement, within the city, which requires right-of-way acquisition, as therein described; and
- WHEREAS, Iowa Department of Transportation has submitted an agreement which requires right-of-way acquisition for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Iowa Department of Transportation relative to the right-of-way acquisition in connection with I-29 & I-80 Interstate Improvement.

**ADOPTED  
AND  
APPROVED**

February 22, 2010

\_\_\_\_\_  
Thomas P. Hanafan,

Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,

City Clerk

## Council Communication

Department: Public Health	Ordinance No. <u>6051</u>	First Reading <u>2/22/2010</u> Second Reading <u>3/8/2010</u> Third Reading <u>3/29/2010</u>
An Ordinance to amend Chapter 2.08, Schedule of Fees” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 2.08.040 “Fees and charges authorized in Title 4”, to increase fees based on comparative analysis and to off-set increased costs to the City.		
<b>Background/Discussion</b> <p>Currently, sanitation bills are distributed every 6 months for refuse collection and disposal. These bills are due January 1<sup>st</sup> and July 1<sup>st</sup> of every year. Residents have until March 15<sup>th</sup> and September 15<sup>th</sup> of every year to submit payment. After the abovementioned dates, the bills are considered late. At this time, there are 5,617 accounts that are considered late and there is no financial incentive for residents to pay on time. We would recommend adding a late fee of \$20 to every billing cycle, i.e., any account that is paid after the March 15<sup>th</sup> and/or September 15<sup>th</sup> dates.</p> <p>In addition, unpaid fees that are 120 days late are considered delinquent and go to lien. The costs are assessed against the property which is delinquent. Currently there is a \$5 administrative added to the delinquent bill when going to lien. We would recommend the administrative fee be increased to \$50. As well, we would recommend that City lien properties that are delinquent on a semi-annual basis rather than an annual basis.</p> <p>These two actions should create the financial incentive to pay refuse fees on time and dramatically reduce the number of properties that are liened for non-payment.</p>		
<b>Recommendation</b> <p>At the February 3, 2010, Board of Health meeting, the board members recommended that the City Council concur with the recommended late fee and increased administrative fee for delinquent accounts. I recommend the City Council approve the Ordinance approving the specific increases to the Solid Waste fees.</p>		

\_\_\_\_\_  
Donn Dierks, Director of Public Health

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ORDINANCE NO. 6051

AN ORDINANCE to amend Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 2.08.040 "Fees and charges authorized in Title 4" to increase fees based on comparative analysis and to off-set increased costs to the City.

B E I T O R D A I N E D  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 2.08 "Schedule of Fees" of the Council Bluffs Municipal Code be and the same is hereby amended by repealing Section 2.08.040 "Fees and charges authorized in Title 4" and enacting a new Section 2.08.040 "Fees and charges authorized in Title 4", to read as follows:

**2.08.040 Fees and charges authorized in Title 4.**

<b>Municipal Code Section</b>	<b>Description of License, Fee, or Permit</b>	<b>Charge</b>
4.12.090	Commercial Collection (Annual fee)	\$ 40.00/pickups 75.00/packers/ large trucks
4.12.110(a)	Residential Solid Waste Collection and Disposal	192.00/year
4.12.110(b)	Special Residential Solid Waste Collection and Disposal for applicants whose combined gross household income does not exceed \$13,690.00	96.00/year
4.12.110(c)	Extra bag charge	2.50/bag
	<u>Late fee for nonpayment</u>	<u>\$20.00/billing cycle</u>
4.12.160(c)	<u>Administrative fee for delinquent account</u>	<u>\$50.00/account</u> <u>\$5/account</u>

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 6002, Section 1 (2008).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED

March 8, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

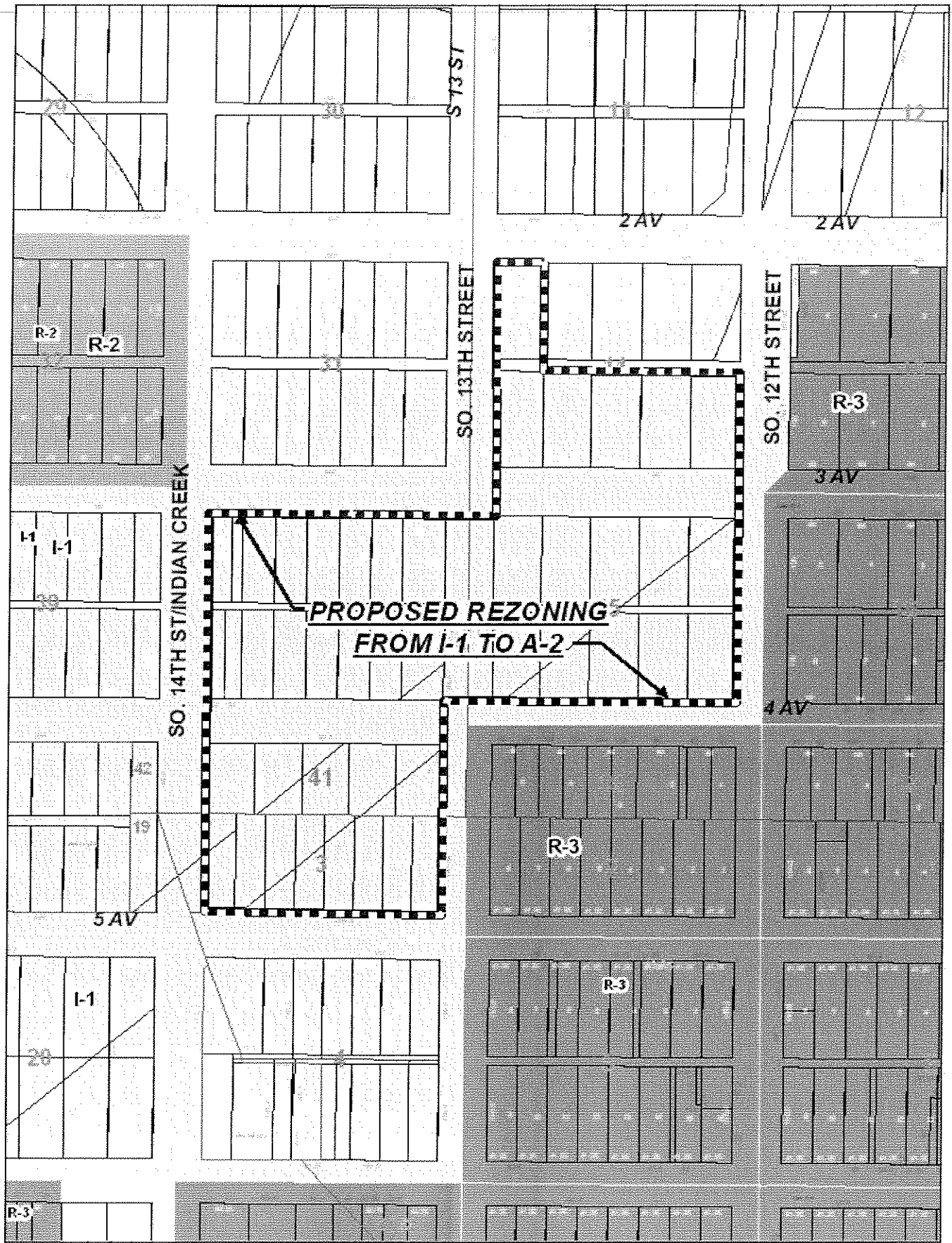
MARCIA L. WORDEN

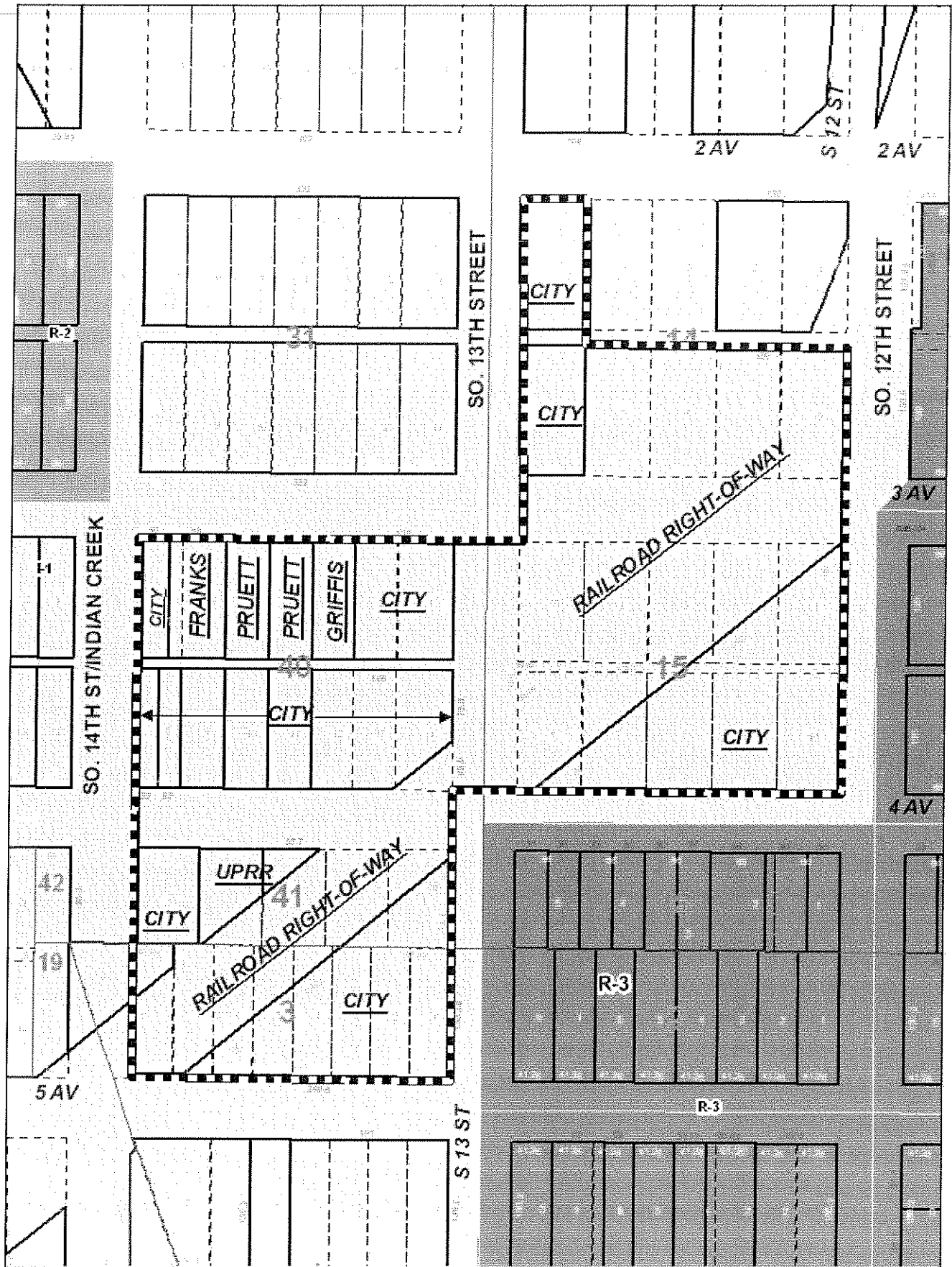
\_\_\_\_\_  
City Clerk

First Consideration: February 22, 2010  
Second Consideration: March 8, 2010  
Public Hearing: None required  
Third Consideration: March 29, 2010

## Council Communication

Department: Community Development Case #ZC-10-001 Applicant: Community Development Department	Ordinance No. <u>6052</u>	Planning Commission: 02/09/10 First Reading: <u>2/22/2010</u> Second Reading: <u>3/8/2010</u> Third Reading:
<p style="text-align: center;"><b>Subject</b></p> <p>Request of the Community Development Department to rezone Lots 5 through 10, Block 14 and all of Block 15, Beer's Addition, Blocks 40 and 41, Beer's Subdivision and Block 3, McMahon, Cooper and Jefferis Addition from I-1/Light Industrial to A-2/Parks Estates and Agricultural. These properties are located between 2<sup>nd</sup> Avenue and 5<sup>th</sup> Avenue, from South 12<sup>th</sup> Street to South 14<sup>th</sup> Street/Indian Creek as shown on the attached map.</p>		
<p style="text-align: center;"><b>Background</b></p> <p>The above mentioned property is located within the Mid-City Corridor Project. This project is a program, which, over the next several years, will allow the Community Development Department to assemble and demolish blighted properties in the City's railroad corridor located between South 9<sup>th</sup> and South 14<sup>th</sup> Street/Indian Creek from Avenue G to 5<sup>th</sup> Avenue. This area will eventually be developed through the extension of the City's trail system and the creation of open space. The subject property is currently zoned I-1/Light Industrial and needs to be down zoned to A-2/Parks, Estates and Agricultural so that open space can be maintained. Several areas within the corridor have already been rezoned to A-2. The majority of the subject property is either City owned or railroad right-of-way/property. The existing residential properties along the south side of 3<sup>rd</sup> Avenue are nonconforming uses under the current I/1 zoning. Single family structures are permitted in an A-2 district but the existing lots will become nonconforming.</p> <p>No adverse comments have been received from any City department or utility.</p> <p>No comments have been received from any property owner within the rezoning area nor from anyone within 200 feet.</p>		
<p style="text-align: center;"><b>Discussion</b></p> <p>All of the parcels have been zoned for industrial use since 1928. Rezoning to A-2 will assist in maintaining these parcels as open space until a specific development plan is in place and incorporated into the comprehensive plan. One objective of the <i>Mid-City Corridor Urban Renewal Plan</i> is for the City to take the initiative to bring zoning and other regulations and plans for public facilities into conformance with the plan. The ultimate goal for Mid-City Corridor is creation of open space to buffer adjacent residential areas.</p>		
<p style="text-align: center;"><b>Recommendation</b></p> <p>The Community Development Department recommends rezoning Lots 5 through 10, Block 14 and all of Block 15, Beer's Addition, Blocks 40 and 41, Beer's Subdivision and Block 3, McMahon, Cooper and Jefferis Addition from I-1/Light Industrial to A-2/Parks, Estates and Agricultural.</p>		
<p style="text-align: center;"><b>Public Hearing</b></p> <p>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
<p style="text-align: center;"><b>Planning Commission Recommendation</b></p> <p>The Planning Commission recommends rezoning Lots 5 through 10, Block 14 and all of Block 15, Beer's Addition, Blocks 40 and 41, Beer's Subdivision and Block 3, McMahon, Cooper and Jefferis Addition from I-1/Light Industrial to A-2/Parks, Estates and Agricultural.</p>		
<p>VOTE: AYE 9    NAY 0    ABSTAIN 0    ABSENT 2    Motion: Carried</p>		
<p><b>Attachments:</b> Maps showing proposed rezoning area and existing land uses.</p> <p><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department.</p>		





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Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

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ORDINANCE NO. 6052

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED BETWEEN 2<sup>ND</sup> AVENUE AND 5<sup>TH</sup> AVENUE, FROM SOUTH 12<sup>TH</sup> STREET TO SOUTH 14<sup>TH</sup> STREET/INDIAN CREEK, FROM I-1/LIGHT INDUSTRIAL TO A-2/PARKS, ESTATES AND AGRICULTURAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.20 AND 15.05 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located between 2<sup>nd</sup> Avenue and 5<sup>th</sup> Avenue, from South 12<sup>th</sup> Street to South 14<sup>th</sup> Street/Indian Creek, legally described as follows:

Lots 5 through 10, Block 14 and all of Block 15, Beer's Addition, Blocks 40 and 41, Beer's Subdivision and Block 3, McMahon, Cooper and Jefferis Addition, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as I-1/Light Industrial to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.20 and 15.05 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.



ORDINANCE NO. 6052

PAGE TWO

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN

\_\_\_\_\_  
City Clerk

FIRST CONSIDERATION: February 22, 2010

SECOND CONSIDERATION: March 8, 2010

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